IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16247 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAINBOW POLY PLAST

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 16247 of 2003

MS SUDHA R GANGWAR for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 27/09/2004

ORAL JUDGEMENT

1. Mr.H.S.Munshaw, the learned advocate appears and waives service of rule on behalf of the respondents.

With the consent of the parties, the matter is taken up for final hearing today.

2. The contention raised by the petitioner pursuant to which notice was issued by this Court on 21.11.2003 is that, inspite of their request on 6th August, 2003, at Annexure "C" to the petition, the meter was not sent for the MRI test.

3. Without disturbing the order of the appellate authority, the meter is sent back to the authority only for the limited purpose that the respondents will carry out the MRI test of the meter on condition that the petitioner first shall deposit full payment as directed by this Court in its order dated 21.11.2003, and on depositing such amount, the respondents will sent the meter for MRI test, and if ultimately the MRI test is in favour of the petitioner then respondents will give adjustment or refund against the bill of the petitioner. Rule is made absolute to the aforesaid extent with no order as to costs.

(K.S. Jhaveri, J.)

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